

VIA EXPRESS MAIL: EV576489826 US		02/25/05
PETITION TO REVIVE APPLICATION UNDER 37 CFR § <u>1.137(b)</u>  Address to: Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450	Attorney Docket	STAN-128
	First Named Inventor	Brown
	Application Number	09/550,303
	Filing Date	April 14, 2000
	Group Art Unit	1634
	Examiner Name	Betty J. Forman
	Title: Microarrays of Polypeptides	

Sir:

Applicants hereby petition under 37 CFR 1.137(b) to revive the above application, which was abandoned on July 7, 2004 for failure to comply with requirements for a Request for Continuing Examination on April 12, 2004. **Applicants submit that the delay in response was unintentional.**

Applicants filed a request for Continuing Prosecution Application (CPA) on April 12, 2004. On June 22, 2004, a Communication was received stating that the request was treated as a request for an RCE, because "if a request for a continued prosecution application (CPA) under 37 C.F.R. 1.53(d) has been filed in the utility or plant application (including a previously filed CPA) that was filed on or after May 29, 2000, the request for a CPA has been treated as a RCE."

In response, Applicants filed a communication on July 23, 2004, stating that, as the filing date of the instant application was prior to May 29, 2000, the above cited rule did not apply. In response, Applicants received a communication on Jan. 14, 2005 that CPA practice has been eliminated from the USPTO.

Enclosed with this Petition is a submission for RCE in accordance with 37 C.F.R. 1.114(c), providing an amendment to the claims, new arguments, and a response to Office Action in accordance with 37 C.F.R. 1.111. Applicants respectfully submit that the present submission completes the requirements for filing of an RCE.

Enclosed please find the requisite payment of the petition fee as set forth in 37 CFR § 1.17(m).

03/03/2005 HALI11 00000005 500815 09550303

01 FC:2453 750.00 DA

Please charge any fees or credit any overages of fees to Deposit Account No. 50-0815,  
STAN-128.

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLP

Date: February 25, 2005

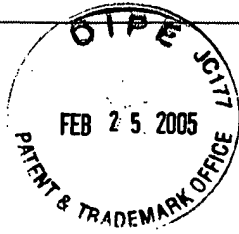
By: Pamela Sherwood  
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In re Application of  
Patrick Brown et al  
Serial No.: 09/550,303  
Filed: April 14, 2000  
Attorney Docket No.: STAN-128

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: PETITION DECISION  
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This is in response to the letter which is being treated as an informal petition under 37 CFR 1.181, to enter a previously submitted Continuing Patent Application (CPA) filed April 23, 2004.

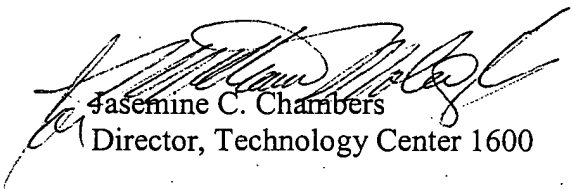
Referring to M.P.E.P. 201.06(d), filing of a CPA is permitted only in Design applications after July 14, 2003. Requests for a CPA filed after July 14, 2003, if they meet the conditions for filing of an RCE will be treated as such. An RCE filing requires a submission in response to the last Office action. Applicants' CPA has no submission in compliance with 37 CFR 1.114. The only paper submitted after the Final Office action was a Notice of Appeal. The application remains abandoned.

The petition is **DENIED**.

**The application will be forwarded to abandoned files.**

Applicants may revive this application, if desired, by filing a petition under 37 CFR 1.137(b).

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number, 571-273-8003.

  
Jasemine C. Chambers  
Director, Technology Center 1600

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JAN 19 2005

Bozicevic, Field, & Francis

01/20/05  
~ Petition to Revive  
du 03/14/05